GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:5366
ANSWERED ON:29.04.2005
JUDICIAL ACCOUNTABILITY
Appadurai Shri M.;Budholiya Shri Rajnarayan

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Supreme Court in 1997 made three resolutions regarding comprehensive legislation aimed at ensuring an effective judicial accountability and reported to have been sent to the `government suggesting for such legislation;

(b) if so, the details thereof; and

(c) the action taken by the Government on the suggestions of Supreme Court?

Answer

MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKAT APATHY)

(a),(b) & (c): A statement is enclosed.

Statement referred to in reply to Parts

(a),(b) & (c) of the Lok Sabha Unstarred Question No. 5366 for answer on 29.04.2005 The then Chief Justice of India vide his letter of 12.12.1999 to the then Prime Minister, informed that the issue of restatement of values of judicial life and the two resolutions adopted in the Full Court Meeting of the Supreme Court held on 7th May, 1997 were discussed in the Conference of the Chief Justices held on 3rd and 4th December, 1999. The Chief Justice of India also informed that the Conference resolved further that the report dated 31st October, 1997 of the Committee constituted to devise an `In-House` procedure for taking suitable remedial action against Judges who by their acts of omission or commission, do not follow universally accepted values of judicial life, including those stated in the Restatement of Values of Judicial Life, be circulated to the Judges of the High Courts by their Chief Justices for their suggestions and approval.

1. The Supreme Court of India, on being further consulted in the matter, has stated that appropriate action is being taken in accordance with the procedure laid down in the `In House Procedure for dealing with the erring Judges.

2. TheConstitution (Ninety-Eighth Amendment) Bill, 2003 for setting up of National Judicial Commission was introduced in the Lok Sabha on 9.5.2003 which would have inter-alia drawn up a Code of Ethics for Judges of the Supreme Court, Chief Justices and the Judges of High Courts. The Commission was also to inquire into, suo-moto or on a complaint or reference, cases of misconduct or such deviant behaviour of a Judge other than those calling for his removal and advise the Chief Justice of India or the Chief Justice of the High Court appropriately after such inquiry. The Bill has since lapsed with the dissolution of the last Lok Sabha.

3. There is no proposal at present to bring any legislation in regard to Judicial Accountability.